THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20961 of 2007

Date:09-10-2007

Between:

Smt.Afsar Sultana Ahmed

...

Petitioner

AND

The District Collector, Ranga Reddy and another

..

Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in interfering with the possession of the house bearing No.2-64/1/37 in the land to an extent of 1067 square yards bearing plot Nos.90, 91, 92, 105, 106 and 107 in Sy.No.124-N of Gopanpalli village, Serilingampalli mandal, Ranga Reddy District and to evict him without following due process of law, as illegal and arbitrary.

It is the case of the petitioner that he purchased an extent of 1067 square yards bearing plot Nos.90, 91, 92, 105, 106 and 107 in Sy.No.124-Na of Gopanpalli village, Serilingampalli mandal, Ranga Reddy District on 27.12.1990 and thereafter he has constructed a house bearing No.2-64/1/37 about ten years ago and obtained electricity connection and paying the property tax. It is stated that according to the petitioner, it is a patta land, but according to the official respondents it is government land assigned in favour of the assignees and the assignees have transferred the said land in contravention of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

The learned counsel for the petitioner submits that in respect of the same survey number, similarly situated persons who were aggrieved by the action of the respondents filed W.P.No.19567 of 2006 and the same was disposed on 04.12.2006 with certain directions and the case of the petitioner herein also stands on the same footing.

Learned counsel for the respondents submits that the total extent of land in Sy.No.124 is Ac.279.38 guntas and it is recorded as 'poramboke sarkari' and the land in Sy.No.124/Na an extent of Ac.5.00 guntas is recorded as laoni patta in the name of Gulya Narsinga and

since the lands are government assigned lands, no constructions shall be allowed and the petitioner is not the original assignee.

Even if it is assigned land, I am of the opinion that without following due procedure prescribed under law, the respondents cannot dispossess the petitioner from his land.

Having regard to the facts of the case, the writ petition is disposed of in terms of the order passed in W.P.No.19567 of 2006, dated 04.12.2006 with the following directions:

i) that the respondents shall not interfere with the petitioner's possession and enjoyment of the residential house;

ii) that the respondents may initiate appropriate proceedings for determination of the issue of ownership of the land in Sy.No.124 or 124-Na of Gopanpally village, in occupation of the petitioner and decide the said issue after giving a reasonable opportunity to the petitioner;

iii) that in the event it is held that the land in dispute belongs to the Government, it shall be open to the petitioner to avail the appropriate remedies as are available to them in law in order to question the said decision and it is equally open to the respondents to recover possession by following due process of law;

iv) that till the determination of the issue of ownership, the petitioner shall not alter the physical features of the structures nor raise any fresh constructions; and

v) that it shall be open to the respondents to prevent unauthorized occupation of land by third parties and also to prevent new structures from being erected by such persons.

There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:09.10.2007

ccm